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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

HUGO VILLA GOMEZ ET AL.,

Defendants.

CASE NO. 1:22-CR-00197-JLT-SKO

STIPULATION TO CONTINUE STATUS
CONFERENCE AND ORDER THEREON

Date: August 16, 2023
Time: 1:00 p.m.
Honorable Sheila K. Oberto

STIPULATION

This case is set for a status conference on August 16, 2023, which the parties stipulate to continue to October 18, 2023, for the reasons set forth below.

1. A large volume of discovery in this case had been provided, including voluminous investigative reports, recorded meetings, video and audio surveillance recordings, photographs, and other documents and electronic evidence.
2. Defense counsel requires additional time to review the discovery, to conduct additional investigation and legal research, and to confer with his client about how to proceed in this case.
3. The proposed status conference date represents the earliest date that all counsel are available thereafter, taking into account counsels' schedules, defense counsels' commitments to other clients, and the need for preparation in the case and further investigation.
4. As to Serafin VIGIL, exclusion of time is particularly appropriate because he is not detained pending trial.

5. As to Hugo Villa Gomez, defense counsel has been informed that the defendant is looking into hiring another attorney. Thus, the exclusion of time is further supported by the need for continuity of counsel.

The parties further believe that time should be excluded, in that failure to grant the requested case schedule would unreasonably deny the defendants continuity of counsel, and unreasonably deny both the defendants and the government the reasonable time necessary for effective preparation, taking into account the parties' due diligence in prosecuting this case. 18 U.S.C. Section 3161(h)(7)(B)(iv). Based on the above-stated findings, the ends of justice served by the schedule as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act. Therefore, the parties request that the Court exclude the time from August 16, 2023, until the new status conference date on October 18, 2023, from calculations under the Speedy Trial Act.

IT IS SO STIPULATED.

Dated: July 26, 2023

PHILLIP A. TALBERT
United States Attorney

By: /s/ JUSTIN J. GILIO
JUSTIN J. GILIO
Assistant United States Attorney

Dated: July 26, 2023

/s/ Kevin Rooney
Attorney for Defendant
Serafin Villa Gomez Vigil

Dated: July 26, 2023

/s/ David Torres
Attorney for Defendant
Hugo Villa Gomez

ORDER

IT IS HEREBY ORDERED that the status conference in this case be continued from August 16, 2023, until October 18, 2023, at 1:00 p.m.

IT IS FURTHER ORDERED THAT the ends of justice served by the schedule set forth herein as requested outweigh the interest of the public and the defendants in a trial within the original date prescribed by the Speedy Trial Act for the reasons stated in the parties' stipulation. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of August 16, 2023, and October 18, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results from a continuance granted by the Court at the parties' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial

IT IS SO ORDERED.

DATED: 7/28/2023


HONORABLE SHEILA K. OBERTO
United States Magistrate Judge